

# STAFFORD COUNTY SCHOOL BOARD

## Agenda Consideration

**TOPIC:** Approval of Deed of Easement and Deed of Boundary Line Adjustment and Conveyance - Colonial Forge High School Site

**ITEM NO:** 10B

**PREPARED BY:** Andre' A. Nougaret  
Assistant Superintendent  
for Support Services

**MEETING:** January 27, 2004  
**ACTION DATE:** February 10, 2004

Brent A. Thomas  
Senior Project Manager

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**ACTION REQUESTED BY THE SUPERINTENDENT:** Recommend that the School Board approve the attached Deed of Easement and Deed of Boundary Line Adjustment and Conveyance to the adjacent property owners, Frank P. and Helen R. Sutherland, at the Colonial Forge High School site.

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### KEY POINTS:

1. The issue of excessive surface water runoff from the Colonial Forge High School site onto the Sutherland property became a legal matter in suit with Mr. And Mrs. Sutherland, resulting in the construction of additional earthen berms between selected sports fields to decrease the area of watershed onto the Sutherland property. The issue of easement between the parties, in consultation with the School Board's attorney, and the Sutherlands' attorney, resulted in a settlement agreement, which was approved by the School Board on May 21, 2003.
2. The legal Settlement Agreement and Release, approved by the Stafford County School Board requests approval of the Deed of Easement between the parties granting the Stafford County School Board the privilege and easement in perpetuity for surface water runoff from the Colonial Forge High School site onto the property of Franklin P. and Helen R. Sutherland, husband and wife.
3. A second issue involving right-of-way between the School Board and the Sutherlands became a legal matter in suit as an "Access Easement Case" in the Circuit Court of Stafford County. The Sutherlands asserted that their property is served by a right-of-way over the property owned by the Stafford County School Board (parcel located on Colonial Forge High School site). The Stafford County deed records indicate the same property conveyed to the Stafford County School Board by Stafford Associates Limited Partnership, Deed Book 1114, page 667, on May 26, 1993, was conveyed to the Sutherlands among the land records of Stafford County by John C. Wine, Deed Book 535, page 646, on November 20, 1986.
4. The issue of access easement between the parties resulted in a settlement agreement which was approved by the School Board on May 21, 2003.
5. The legal Settlement Agreement and Release, dated May 21, 2003, requests approval of the Deed of Boundary Adjustment and Conveyance to grant ownership of a .500 acre parcel of land to Franklin P. and Helen R. Sutherland, husband and wife
6. The Sutherlands have complied with all requirements of the Settlement Agreement and Release between the parties.
7. The Office of Planning and Construction has confirmed that the Stafford County School Board has not constructed any permanent nor temporary structures within the confines of the .500 acre parcel of land identified in the Settlement Agreement and Release accepted by both parties.

### SCHOOL BOARD GOAL:

#5 – Provide Facilities that Promote Student Learning and Community Support.

**FUNDING SOURCE:** School Operating Funds

**AUTHORIZATION REFERENCE:** N/A